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C O N F I D E N T I A L SECTION 01 OF 04 USOSCE 000247

SIPDIS

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OSD FOR ISA/PERENYI

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SUBJECT: CFE/JCG: OCTOBER 14 -- GEORGIA CALLS OUT RUSSIA,  
RECEIVES BROAD SUPPORT

Classified By: Chief Arms Control Delegate Hugh Neighbour,  
for reasons 1.4(b) and (d).

¶1. (SBU) Summary: At October 14 JCG, Georgia accused Russia of violating core principles of the CFE Treaty (non-use of force, host nation consent) and non-compliance with Treaty provisions. In a surprisingly lengthy give and take (which included seven different interventions by Russia), the U.K., Ukraine, France, Romania, Germany, Turkey, the U.S., and the Czech Republic expressed support for the Georgian statement. In response, Russia accused Georgia of not fulfilling its Istanbul commitments, justified Russian action during the August conflict as necessary to protect peacekeepers and civilians, and compared Russian recognition of Abkhazia/S. Ossetia with others' recognition of Kosovo.

¶2. (SBU) Russia also provided a long dissertation on how it believes its suspension of CFE is in accordance with customary international law and the Vienna Convention on Treaties. The Russian interventions provoked subsequent additional interventions by the Czech Republic, Moldova, Georgia (twice more), Netherlands, Germany, Ukraine, Romania, Canada (twice), Turkey, the U.S., Britain, and Luxembourg. While these interventions by no means offered absolute backing for Georgia, there was not a word of support for Russia. Germany and the U.K. pleaded for all to let the past go, and focus on the future for ways to solve the current CFE impasse. End summary.

MODERATE GEORGIAN APPROACH GARNERS BROAD SUPPORT

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¶3. (SBU) Georgia (Dolidze) delivered a relatively moderate statement, which had been toned down substantially after consulting the United States and a number of other delegations, against Russia's invasion, calling it a "clear violation" of one of the core principles of the CFE Treaty as stated in the Preamble to "recall their obligation to refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State." The Georgian statement emphasized the CFE Treaty as a "cornerstone of the European security system" and asserted that Russia's recent actions further undermine the Treaty and its principles.

14. (SBU) The United Kingdom, Ukraine, France, Romania, Germany (Richter), Turkey, the United States, and the Czech Republic expressed various levels of support for the Georgian statement, particularly taking up the USG theme that recent events have made the impasse on CFE more complicated. The U.K. (Gare), Ukrainian (Herasymenko), and Romanian (Neculaescu) delegations noted their concerns for further "erosion" of the Treaty. The German, UK, and U.S. delegations recalled NAC statements on August 19th and 27th in which Allies expressed their grave disapproval of Russia's activities. France (Simonet) noted that the fundamental principles in the CFE Treaty's preamble have been "greatly weakened by actions in Georgia" and added, with satisfaction, the withdrawal of Russian troops from Georgian territory as an "important step" to fulfilling the agreement reached between Presidents Sarkozy and Medvedev.

15. (SBU) Germany (Richter) said Russia's recognition of the independence of South Ossetia and Abkhazia has made the overall situation worse. Turkey (Begeg) stressed that no State Party should have an interest in the collapse of CFE and raised its concern that there are currently no means by which to verify whether or not numerical limitations for Russia are being abided by. Ukraine, the Czech Republic (Reinohlova), and Romania raised Russia's failure to uphold the Istanbul Commitments.

16. (SBU) The United States (Neighbour) noted that Georgia's statement was appropriate and timely for discussion in the JCG. Inter alia, he reiterated the U.S. commitment to

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resolve the impasse that began with Russia's decision last year to stop implementing its CFE obligations, expressed hope that Russia would comply fully with the host nation consent requirement of the CFE Treaty, and commented that the situation has now become more complicated by Russia's recent military actions in Georgia.

RUSSIA CHARGES "DOUBLE STANDARDS" ON ISTANBUL

17. (SBU) Russian Chief Arms Control Delegate Ulyanov before attempting to respond in detail to the points raised by other delegations first suggested that his colleagues from Ukraine, the Czech Republic, and Romania had "selective memory" in recalling the Istanbul Commitments. He suggested that during JCG meetings until now he had not heard any other delegations question Georgia's upholding of its commitments and accused these countries of having "double standards" in their policies. He mentioned instances where Russia had met the deadline proscribed by the Istanbul commitments but that Georgia had failed to fulfill similar obligations.

18. (SBU) Ulyanov then presented several arguments, at times in an unstructured and incoherent manner, to defend Russia's actions, including the U.S. military action against Iraq in 2003. He suggested that Russia used force not against the political or territorial integrity of Georgia, but rather against "aggressor" Georgia, which had "ferociously attacked innocent civilians and peacekeepers. He said that Russia's recognition of the independence of South Ossetia and Abkhazia came only after the recognition of Kosovo and that Russia, in fact, had supported the territorial integrity of Georgia for almost a decade and a half. He asserted that Russia's decision on recognition is "not subject to review" and not up for discussion.

19. (SBU) Ulyanov was particularly strong in his comments against the United States, noting that the Georgians have repeated the "American slogan" that the Treaty does not provide for the possibility of moratorium, or suspension. Ulyanov suggested that the real "deadlock" occurred when the United States, Georgia, and others, linked ratification of

the Adapted Treaty to "secondary issues," making it a political decision. He called this a "strategic oversight" on the part of the United States and said that resuming CFE would depend on the willingness of others around the table in making progress on the parallel actions package.

#### RUSSIA CLAIMS IT HAS A LEGAL BASIS FOR SUSPENSION OF CFE

¶10. (SBU) Ulyanov then launched a lengthy monologue on the legal basis for suspension, recalling its July 30 note to the Netherlands as depository of the Treaty in which Russia put forth its case for suspension. Ulyanov argued that Article 57 of the Vienna Convention allows States Parties to suspend a treaty temporarily. He also said that paragraph 2 of Article 19 of the CFE Treaty gives States Parties the right to suspend the treaty in light of "extraordinary events."

¶11. (SBU) Russia then took issue with the U.S. position, calling it "not valid" and cited an article by article analysis prepared by the Department of State for a presidential address to the Senate on July 2, 1991 wherein the Department noted the "right of withdrawal" is in addition to "any other rights of States Parties including suspension." He questioned what has made American legal circles change their minds and suggested the United States is applying "legally flimsy judgment" in its current analysis related to CFE.

#### U.S. AND OTHERS REPLY TO RUSSIAN MISPERCEPTIONS

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¶12. (SBU) The exchange between delegations lasted almost two hours. Ulyanov's interventions managed to provoke subsequent additional interventions, some quite challenging of Russia's actions, by the Czech Republic, Moldova (Kuk), Georgia (twice), the Netherlands (Kleinjan), Germany, Ukraine, Romania, Canada (Gosal - twice), Turkey, the United States, the United Kingdom, and Luxembourg.

¶13. (SBU) For its part in reply to Russia's accusations, USDel (Neighbour) recalled that the Istanbul Commitments were part of a package deal to which all had agreed. This had already been explained in detail in the JCG as recently as last year. He added that thousands of Russian troops were now within Georgia's internationally recognized borders, borders that had been recognized by many UN and OSCE documents, and recognized by Russia itself until very recently. Neighbour said he was not aware of Georgia giving host nation consent to this large troop presence; to say that this made resolving the impasse on CFE more difficult was an understatement. The U.S. reaffirmed Russia's noncompliance with the CFE Treaty in continuing to refuse inspections and provide data, and said the CFE Treaty is not an instrument that can be implemented "a la carte." USDel also reserved the right to reply in greater detail during a later meeting to Russia's assertions regarding the legality of suspension.

¶14. (SBU) Germany (Richter), echoed by the United Kingdom (Gare) and Luxembourg (Pilot), stressed that debates on both past activities and the legal basis for suspension would not move us forward. The Germany delegate particularly emphasized the political will needed to break the impasse. He said that fulfillment of the Istanbul Commitments were to be upheld for ratification of the Adapted Treaty. He stressed the importance of the parallel actions package and said that any new demands by Russia make matters complicated.

#### GEORGIANS ELATED, APPRECIATIVE FOR U.S. ROLE

¶15. (C) After the Plenary, the U.S. delegation was approached by a beaming Georgian Ambassador Dolidze, who told USDel that he was very appreciative for U.S. editing suggestions for Georgia's statement (to keep it CFE-related) and for urging Allied delegations to intervene. USDel declined to accept any credit, but did note that many Allied delegations, including France and Germany, had said they would not have offered any support for Georgia if it had used its first (maximalist) statement. In fact, USDel was informed by France during a meeting of the Quad on October 13 that France, before having seen the revised/toned-down Georgian statement, was under instructions to urge Georgia to say nothing at all.

QUAD, JCG-T CONSIDER SUPPORT FOR GEORGIAN STATEMENT

¶16. (C) On October 13 the Quad met to consider support for the planned Georgian statement during the JCG Plenary this week. France initially raised concern that the JCG has not yet reached any conclusions on Georgia's assertion of Russia's "violations." The U.S. (Neighbour), with support from Germany (Richter) and the United Kingdom (Gare), suggested that delegations could lend support to the Georgian statement without agreeing to the allegations of violations. The U.K. representative said she would not support anything beyond NATO's current position. The German delegate (Richter) echoed the UK's remarks and suggested that he would refer to NAC statements on the 19th and 27th of August, which he did the next day.

¶17. (C) The Quad also revisited the issue of Russia holding the JCG chairmanship prior to the Helsinki Ministerial and on its anniversary of suspension of implementation of CFE. The UK (Gare) strongly cautioned the PR message that this would

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send if the JCG meetings were in fact chaired by Russia during these two important events. France (Simonet) and Germany (Richter) were uncomfortable with the notion of artificially inventing something purely for the sake of delaying the meetings, but would welcome the opportunity of something coming in handy that could be used for grounds to delay the meetings. The other French delegate (Fournier) suggested scheduling a HLTF on a Tuesday to provide an undisputable reason for cancelling a JCG.

¶18. (C) The JCG-T met briefly on 14 October, i.e., immediately prior to the JCG Plenary. Germany gave a heads up that Georgia would make a statement against Russia's actions, closely tying them to CFE. A number of delegations, including the United States, noted that it would support Georgia's statement during the Plenary. The USDel (Neighbour) mentioned that Russia had informed him that it would raise the issue of a legal basis for suspension either at this week's Plenary or in a future JCG meeting.

¶19. (C) On the matter of the JCG Chair's letter for the Ministerial, the Netherlands (Kleinjan) informed the group that Ulyanov appeared very satirical suggesting that since "we haven't done much this year, what is there to report?" Ulyanov said that he would raise the issue with Moscow, but Kleinjan wasn't convinced of Ulyanov's sincerity. Delegations, noted the usefulness of having a letter for the Ministerial, but recognized the value in waiting the outcome of this week's HLTF. They agreed to reconsider the letter once again at the next JCG-T meeting.

¶20. (U) The next JCG Plenary will take place on Tuesday, October 21, chaired by Norway. The next JCG-T will be on October 20 under Icelandic chairmanship.  
SCOTT